

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, FEBRUARY 20, 2014 AT 3:00 P.M.
1ST FLOOR COMMISSION CHAMBERS
CITY HALL

Cumulative
Attendance
10/13 through
9/14

Board Members

| | Attendance | Present | Absent |
|---------------------------|------------|---------|--------|
| Michael Weymouth, Chair | P | 4 | 0 |
| Joe Holland, Vice Chair | P | 3 | 1 |
| John Barranco [arr. 3:14] | P | 4 | 0 |
| Joe Crognale | P | 4 | 0 |
| Pat Hale | P | 4 | 0 |
| Thornie Jarrett | P | 4 | 0 |
| Don Larson | P | 3 | 1 |
| John Phillips | A | 2 | 2 |
| B. George Walker | A | 2 | 2 |

City Staff

Lori Grossfeld, Board Secretary
Chris Augustin, Chief Building Official
Skip Margerum, Code Enforcement Supervisor
Gerry Smilen, Building Inspector
George Oliva, Building Inspector
Deanna Bojman, Clerk III
Robert Masula, Building Inspector
Ginger Wald, Assistant Attorney
Jenny Morejon, Deputy Director, Department of Sustainable Development
Jamie Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE13101527: Julia Parker, neighbor; Mitchell Monroe, attorney
All units in New River Condo complex: Leslie Stevens, attorney; Sean Moore, attorney; Ellen Simpson, court

reporter; Bruce Drumm, representative; Thomas Ricci,
contractor; Bernadette Norris-Weeks, attorney; Patricia
Baloyra, attorney

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| <u>Case Number</u> | <u>Respondent</u> | <u>Page</u> |
| 1. CE13101527 | FEDERAL NATIONAL MORTGAGE ASSN | <u>5</u> |
| | 643 NW 1 AVE | |
| Disposition: | Board voted to correct the scrivener's error on the Final Order, substituting "building permit" for "demolition permit" and to deny an extension. Motion passed 6-0. | |
| 2. CE13081074 | DANG, DAVID LOC & NGUYEN, BAU THI | <u>14</u> |
| | 1544 NW 5 AVE | |
| Disposition: | Board voted to vacate the previous Order and rehear the case. Motion passed 7-0. The City subsequently withdrew the re-hearing request. | |
| 3. CE10021620 | 510 BUILDING LLC | <u>22</u> |
| | 451 NW 23 AVE # 01 | |
| CE10021621 | 510 BUILDING LLC | |
| | 451 NW 23 AVE # 02 | |
| CE10021622 | 510 BUILDING LLC | |
| | 451 NW 23 AVE # 03 | |
| CE10021624 | JONES, KAMILAH | |
| | 451 NW 23 AVE # 04 | |
| CE10021625 | FEDERAL NATIONAL MORTGAGE | |
| | 451 NW 23 AVE # 05 | |
| CE10021626 | DRUMM ENTERPRISE HOLDINGS | |
| | 451 NW 23 AVE # 06 | |
| CE10021627 | 510 BUILDING LLC | |
| | 451 NW 23 AVE # 07 | |
| CE10021628 | 510 BUILDING LLC | |
| | 451 NW 23 AVE # 08 | |
| CE10021636 | MORENO, ANGEL | |
| | 471 NW 23 AVE # 09 | |
| CE10021629 | 510 BUILDING LLC | |
| | 471 NW 23 AVE # 10 | |

| | | | |
|----|------------|-------------------------------------|--|
| 1 | CE10021630 | 510 BUILDING LLC | |
| | | 471 NW 23 AVE # 11 | |
| 2 | CE10021631 | SAPP,LINDA ALEXANDER | |
| 3 | | 471 NW 23 AVE # 12 | |
| | CE10021632 | 510 BUILDING LLC | |
| 4 | | 471 NW 23 AVE # 14 | |
| | CE10021633 | DE HOLDINGS INC | |
| 5 | | 471 NW 23 AVE # 15 | |
| | CE10021634 | 510 BUILDING LLC | |
| 6 | | 471 NW 23 AVE # 16 | |
| | CE10021635 | 510 BUILDING LLC | |
| 7 | | 471 NW 23 AVE # 17 | |
| | CE10021637 | DRUMM ENTERPRISE HOLDINGS | |
| 8 | | 480 NW 24 AVE # 18 | |
| | CE10021638 | DRUMM ENTERPRISE HOLDINGS | |
| 9 | | 480 NW 24 AVE # 19 | |
| 10 | CE10021639 | 510 BUILDING LLC | |
| 11 | | 480 NW 24 AVE # 20 | |
| | CE10021641 | WRAY,CHRISTINE A GEORGE | |
| 12 | | 480 NW 24 AVE # 21 | |
| | CE10021642 | DRUMM ENTERPRISE HOLDINGS | |
| 13 | | 480 NW 24 AVE # 22 | |
| | CE10021645 | 510 BUILDING LLC | |
| 14 | | 480 NW 24 AVE # 23 | |
| | CE10021647 | BANK OF AMERICA %MCCALLA RAYMER LLC | |
| 15 | | 480 NW 24 AVE # 24 | |
| | CE10021649 | 510 BUILDING LLC | |
| 16 | | 480 NW 24 AVE # 25 | |
| | CE10021652 | 510 BUILDING LLC | |
| 17 | | 500 NW 24 AVE # 26 | |
| | CE10021655 | CHASE HOME FINANCE LLC | |
| 18 | | 500 NW 24 AVE # 27 | |
| | CE10021659 | ONEWEST BANK FSB | |
| 19 | | 500 NW 24 AVE # 28 | |
| | CE10021662 | 510 BUILDING LLC | |
| 20 | | 500 NW 24 AVE # 29 | |
| | CE10021664 | DRUMM ENTERPRISE HOLDINGS INC | |
| 21 | | 500 NW 24 AVE # 30 | |
| | CE10021666 | DRUMM ENTERPRISE HOLDINGS INC | |
| 22 | | 500 NW 24 AVE # 31 | |
| | CE10021667 | 510 BUILDING LLC | |
| 23 | | 500 NW 24 AVE # 32 | |
| | CE10021668 | 510 BUILDING LLC | |
| 24 | | 500 NW 24 AVE # 33 | |
| 25 | | | |

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| 1 | CE10021669 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 34 | |
| 2 | CE10021672 | COUNTRYWIDE HOME LOANS INC | |
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| 3 | CE10021674 | DRUMM ENTERPRISE HOLDINGS | |
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| 4 | CE10021677 | DRUMM ENTERPRISE HOLDINGS | |
| | | 510 NW 24 AVE # 37 | |
| 5 | CE10021678 | NEW RIVER CONDO ASSN INC | |
| | | 510 NW 24 AVE # 38 | |
| 6 | CE10021680 | SOTO, MANUEL | |
| | | 510 NW 24 AVE # 39 | |
| 7 | CE10021683 | REDDING, MURIAL DELOISE | |
| | | 510 NW 24 AVE # 40 | |
| 8 | CE10021685 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 41 | |
| 9 | CE10021687 | NEW RIVER CONDOMINIUM ASSN INC | |
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| 10 | CE10021692 | NEW RIVER CONDOMINIUM ASSN INC | |
| | | 510 NW 24 AVE # 43 | |
| 11 | CE10021696 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 44 | |
| 12 | CE10021699 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 45 | |
| 13 | CE10021702 | DRUMM ENTERPRISE HOLDINGS | |
| | | 510 NW 24 AVE # 46 | |
| 14 | CE10021707 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 47 | |
| 15 | CE10021711 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 48 | |
| 16 | CE10021714 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 49 | |
| 17 | CE10021718 | JOLLY, KIM D | |
| | | 510 NW 24 AVE # 50 | |
| 18 | CE10021721 | NEW RIVER CONDO ASSN INC | |
| | | 510 NW 24 AVE # 51 | |
| 19 | CE10021725 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 52 | |
| 20 | CE10021729 | 510 BUILDING LLC | |
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| 21 | CE10021734 | 510 BUILDING LLC | |
| | | 510 NW 24 AVE # 54 | |
| 22 | CE10021737 | NELSON, KIMBERLEY VERNA | |
| | | 510 NW 24 AVE # 55 | |

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| 1 | CE10021741 | 510 BUILDING LLC | |
| 2 | | 510 NW 24 AVE # 56 | |
| 3 | CE10021744 | 510 BUILDING LLC | |
| 4 | | 510 NW 24 AVE # 57 | |
| 5 | CE10021747 | BAC HOME LOANS SERVICING LP | |
| 6 | | 510 NW 24 AVE # 58 | |
| 7 | CE10021751 | 510 BUILDING LLC | |
| 8 | | 510 NW 24 AVE # 59 | |
| 9 | Disposition: | The Board took no action. | |
| 10 | | Communication to the City Commission | 70 |
| 11 | | Other Items and Announcements | 71 |
| 12 | | For the Good of the City | 72 |

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. in the 1st Floor Commission Chambers, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Ms. Hale, to approve the minutes of the Board's January 2014 meeting. In a voice vote, motion passed unanimously.

Cases

1. Case: CE13101527

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FEDERAL NATIONAL MORTGAGE ASSN

643 NW 1 AV

MR. MARGERUM: First case on the agenda is

1 CE13101527, the address is 643 Northwest 1 Avenue. Federal
2 National Mortgage Association is the owner. Property was
3 posted on 2/10/14, advertised in the Daily Business Review on
4 2/7/14. Bobby Masula is the inspector.

5 INSPECTOR MASULA: Good afternoon Board.

6 CHAIR WEYMOUTH: Good afternoon.

7 INSPECTOR MASULA: Robert Masula, Building
8 Inspector for the City presenting case number CE13101527 for
9 property located at 643 Northwest 1 Avenue.

10 We are making a motion to correct the final Order
11 due to a clerical error. The error is that the final Order
12 have language that stated that the repair was to be
13 accomplished with a demolition permit. That should have been
14 that the repair was to be accomplished by a licensed
15 contractor pursuant to the City issued permits. The request
16 is for the correction of the Order to go back to the original
17 date of the Order.

18 CHAIR WEYMOUTH: Okay. Sir, would you like to be
19 heard on this?

20 MR. MONROE: Yes thank you.

21 CHAIR WEYMOUTH: Please state your name.

22 MR. MONROE: Yes, attorney Mitch Monroe, Choice
23 Legal Group for Fannie Mae. Fannie Mae couldn't be here
24 today, but they've been communicating with the Code Inspector
25 and the City. They'd like to change the Order so they have

1 time to repair the property. They submitted a permit with
2 plans yesterday and we are negotiating with the homeowners
3 association that has a two hundred dollar a day lien on the
4 property to have the same problems fixed. We're trying to
5 get that settled with them next week so that they can
6 immediately start to fix the property.

7 CHAIR WEYMOUTH: Is this consistent with what the
8 City is asking?

9 MS. WALD: Ginger Wald, Assistant City Attorney.
10 What the City had just motioned and requested of you is not
11 exactly what this gentleman had just asked.

12 What happened was -- and Bobby is going ahead and
13 getting a copy of the Order so that he can provide it to the
14 Chair -- is there was a scrivener's error that was on the
15 Final Order and the scrivener's error said that repairs had
16 to be done with a demolition permit. As we all know -- as
17 the, even me, not a contractor knows -- that you can't get a
18 demolition permit to actually do repairs to the property.
19 And this is the building with the façade falling off.

20 So what - the City, understanding that that was
21 impossible to be done, is making the request that that be
22 corrected. They are also making that request that go nunc
23 pro tunc, which is back to the original date of the Order due
24 to the fact that it was just a scrivener's error. So that is
25 different from what this gentleman is asking on behalf of the

1 current owner of the property. It sounds like what he's
2 asking for is an additional extension of time beyond what was
3 previously granted by this Board to repair the property.

4 CHAIR WEYMOUTH: Okay. And does the City have a
5 position as to what he is asking for?

6 MS. WALD: The City would have to tell you that.

7 MS. MOREJON: Good afternoon Board. I don't know
8 if I've formally introduced myself before. My name is Jenny
9 Morejon, I'm Director Designee at the Department of
10 Sustainable Development. We've been working on this issue
11 for quite some time, as you're all very aware, and we feel
12 very much so that the Order as it's been recommended to be
13 amended should stand; that no extension should be provided.

14 This has been an issue in this community for some
15 time, and while the information was submitted that a building
16 permit has been applied for yesterday -- we can try to verify
17 that information, but we're not aware of at this time -- so
18 we would request that the Order as amended stands.

19 MS. WALD: And I believe there's some people from
20 the public that [inaudible]

21 CHAIR WEYMOUTH: Okay. Just one question real
22 quick before we hear from anybody else. Do we know when the
23 Order that was issued actually has or will expire? Do we
24 know when it will expire? Has expired is probably just an
25 easier question.

1 MS. WALD: I believe it already has. Ginger Wald,
2 Assistant City Attorney, I believe the Order that I just
3 handed to you was the November date for the USB and it gave
4 fifty-six days because we didn't have a December day so that
5 would have expired January twenty something, twenty third,
6 somewhere around, yes, the last meeting. Therefore, that
7 would be an expiration for the owner and then now it's to the
8 City to go ahead and make the repairs.

9 CHAIR WEYMOUTH: What triggered the request for
10 the correction to the scrivener's error?

11 MS. WALD: What triggered it was that it was
12 brought forward and it was shown to me and I said this is an
13 error. And also the Building Official himself saw it and
14 found out it was an error and needed to be corrected.

15 MR. JARRETT: I have a question for the attorney
16 whenever you -

17 CHAIR WEYMOUTH: For who? For who?

18 MR. JARRETT: The attorney. [Inaudible]

19 CHAIR WEYMOUTH: Okay. Then why don't you go ahead
20 Thornie. One of the Board members has a question for you,
21 counselor.

22 MR. JARRETT: I have a question for the attorney.
23 You said that your repairs were going to hinge on a meeting
24 of the association to waive fines?

25 MR. MONROE: Yes. Fires are currently twenty

1 thousand dollars as of today and we're, I'm speaking with the
2 association's attorney right now, we're trying to get that
3 settled so that Fannie Mae then can commence work to fix the
4 property which should take about three to five weeks, that
5 the contractor says.

6 MR. JARRETT: So, what we're looking at is, they're
7 not going to make repairs unless they get this waiver from
8 the association. Is that what you're saying?

9 MR. MONROE: You're probably, you're probably true.
10 Because the property is worth, Lori Parrish has it in the
11 fifties, so it's probably worth seventy or eighty. The fines
12 are twenty thousand, the final judgment of foreclosure was
13 two hundred and something thousand.

14 So it's a total loss but Fannie Mae -- it's a
15 duplex, so there's another owner of the other half -- so
16 Fannie Mae is trying to stabilize the area and clean it up
17 and get it fixed. Apparently the property was built in '06,
18 '07 and I don't -- they weren't sure why a CO was issued
19 because it's really falling apart very fast. So they're just
20 trying to fix it.

21 MR. JARRETT: Okay. But at this point, you can't
22 give this Board any guarantee that the work's going to be
23 done by the owner.

24 MR. MONROE: You're right.

25 MR. JARRETT: Okay.

1 CHAIR WEYMOUTH: Ma'am, would you like to speak?

2 MS. PARKER: Yes, hi, I'm Julia Parker and I spoke
3 to you guys back in November because I live directly next
4 door to this home that's a danger to me. And also, I'm in
5 another capacity because I am on the HOA board and I can
6 categorically tell you that the bank is not making any plans
7 with us. They haven't paid their HOA dues, let alone try to
8 negotiate any repairs with us. That's the first thing.

9 The second thing is, in November you guys said that
10 you were giving them fifty-nine days to complete the repairs,
11 not to think about it, not to obtain bids, but to complete.
12 And so, I just find it reprehensible that the bank is going
13 one day before the meeting and pulling a permit for the
14 exterior. And there are not permit that they've pulled.

15 They've got the owner of record as Richard
16 Carmichael and he's not the owner because he had to leave due
17 to the mold and the problems. The bank is the owner. And
18 it's delaying tactics. They're just stalling. I can show
19 you, this is what fell from twenty feet today on my property.
20 It's quite - it's coming off in big chunks from twenty feet
21 up.

22 [Ms. Parker showed the Board photos she had taken]

23 And it actually was a bigger piece, and, but it
24 broke. So that goes on somebody's head they're going to die.
25 I also have pictures when the previous people lived there, of

1 the black mold that was --

2 CHAIR WEYMOUTH: If you'd like to pass that, and --

3 MS. PARKER: Yes. And also, because the moisture --

4 CHAIR WEYMOUTH: Are these being taken into
5 evidence Ms. Wald? Okay.

6 MS. WALD: If she's putting them in [inaudible]

7 MS. PARKER: Yes. That's the rotted floor, this is
8 above the windows where the water pours in. And also you can
9 see 99.9 pounds of moisture on the moisture reader that's in
10 the wall. So the reason why this is so important to me is
11 because I believe I'm getting very, very sick from the mold.
12 Because the black mold is now on the outside of the house and
13 I'm getting sick from it and I'm not prepared to continue on
14 like this any longer.

15 And I think the bank is just saying whatever they
16 can say because they really don't have an intention of fixing
17 it. That's why I feel that the City needs to step in and do
18 it. Because the bank keeps getting different people to come
19 up and say they're working with them. They haven't reached
20 out to the HOA at all. They have not at all. They're, in
21 fact, they're ignoring our letters. So, that's all I ask
22 please, that I'm suffering in a big way and it's dangerous.

23 CHAIR WEYMOUTH: When you say that you're the
24 neighbor, my understanding is this is a duplex, correct?

25 MS. PARKER: Yes.

1 CHAIR WEYMOUTH: And, so you have a common property
2 line with them?

3 MS. PARKER: No, Bob, who repaired 645 is with that
4 particular unit. Each unit is two addresses.

5 CHAIR WEYMOUTH: Correct.

6 MS. PARKER: So I'm the unit next door.

7 CHAIR WEYMOUTH: So you're detached from his unit.

8 MS. PARKER: Yes, but I'm 5 feet away from it.

9 CHAIR WEYMOUTH: Okay.

10 MS. PARKER: That's why the stucco's falling on my
11 way and that's why, because the whole side of the house is
12 buckling because there's so much moisture. The support beams
13 have rotted and the house has a huge line half way where it's
14 about to fall and that's why I started this off at the
15 beginning of hurricane season because if we do get a strong
16 wind, it is going to fall on me.

17 CHAIR WEYMOUTH: Very good.

18 MS. PARKER: Thank you.

19 CHAIR WEYMOUTH: Any questions for the witness?

20 Thank you ma'am.

21 MS. PARKER: Thank you.

22 CHAIR WEYMOUTH: Is there anybody else who would
23 like to testify in this case? Then we'll close the public
24 hearing portion of this and we'll bring it back to the Board.

25 MR. JARRETT: I'll make a motion. I'd like to make

1 a motion that we amend the previous Order to read "building
2 contractor" I think that's what you want us to say, isn't it?

3 MS. WALD: Building permit.

4 MR. JARRETT: Building permit. And that we not
5 give an extension date of the time.

6 MR. HOLLAND: Second.

7 MR. LARSON: Second.

8 MS. HALE: He did.

9 CHAIR WEYMOUTH: We have a motion and a second.
10 Before we take it to a vote, is there any other discussion?
11 Alright, all in favor say aye.

12 BOARD MEMBERS: Aye.

13 CHAIR WEYMOUTH: Any opposed? Hearing none, motion
14 passes. Thank you. Alright.

15 [Mr. Barranco arrived at 3:14.]

16

17 **2. Case: CE13081074**

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18 **DANG, DAVID LOC & NGUYEN, BAU THI**

19 **1544 NW 5 AV**

20 MR. MARGERUM: Next case is on page fifty-nine of
21 the agenda. CE13081074, the address is 1544 Northwest 5
22 Avenue. Owner is David Loc and Nguyen Bang -- Dang, excuse
23 me. Property was posted on 2/10/14, advertised in Daily
24 Business Review on 2/7/14. George Oliva is the inspector.

25

1 CHAIR WEYMOUTH: Good afternoon Inspector.

2 INSPECTOR OLIVA: Good afternoon members of the
3 Board. George Oliva, Building Inspector for the City. Once
4 again, with case number CE13081074 on today's agenda. At
5 this moment the City's asking for a motion to vacate the
6 Final Order and to have this case reheard by the Board.

7 CHAIR WEYMOUTH: Being reheard today or at a later
8 date?

9 INSPECTOR OLIVA: Up to the Board. Since we have
10 so many cases, we can do it for next month.

11 CHAIR WEYMOUTH: The only --

12 INSPECTOR OLIVA: Yes, we've got the pictures from
13 the last time so we can do it today.

14 CHAIR WEYMOUTH: Well, I think the first thing we
15 have to do is if there's any discussion to the item to vacate
16 the Final Order and if so then decide whether we want to
17 rehear it. The only question I've got as to vacating the
18 Final Order is, I have to admit I don't recall exactly what
19 the case is and I'm concerned if there's any kind of exposure
20 to liability, life and limb, that kind of thing.

21 So that would be my only question. But, do we want
22 to vacate the Final Order? And if so, do we want to rehear
23 it today. So if there's any other conversation, let's have
24 it. Otherwise let's make a motion. And just for the record,
25 if you'll show that John Barranco joined the dais, please.

1 MS. HALE: Why are we rehearing and it?

2 MR. JARRETT: I'm confused. Do we have, can they
3 tell us -- can they give us a summary of what --

4 CHAIR WEYMOUTH: A reason for the vacation?

5 BOARD MEMBERS: Yes.

6 MR. HOLLAND: Who's requesting, first of all, is it
7 --

8 INSPECTOR OLIVA: The case that we presented last
9 month we asked the Board for a repair order which, that was
10 wrong. So that's why we tried to amend, last time that we
11 were here, into a new ruling for today. And the City's going
12 to be asking for this property to be secured.

13 MR. HOLLAND: In lieu of repair, moving to secure in
14 lieu of, is that correct?

15 INSPECTOR OLIVA: That's what the City's asking
16 for.

17 MR. JARRETT: Okay. In other words, we did a
18 board-up order?

19 MS. HALE: No.

20 MR. HOLLAND: We did a repair order and now they
21 want to substitute a secure order.

22 MR. JARRETT: Oh.

23 INSPECTOR OLIVA: So we can board up the property.

24 MR. HOLLAND: And this is from the City.

25 CHAIR WEYMOUTH: So the City can board up.

1 INSPECTOR OLIVA: Right.

2 MR. JARRETT: Okay.

3 MR. HOLLAND: Okay. That's our reason for our
4 first motion to vacate and rehear. I don't have any
5 objection.

6 CHAIR WEYMOUTH: You want to make a motion?

7 MR. LARSON: I don't have any objection.

8 MR. HOLLAND: Okay.

9 CHAIR WEYMOUTH: You want to make a motion to
10 vacate?

11 MR. HOLLAND: Alright, I move that we vacate the
12 last month's order on this case and we rehear the case.

13 MR. LARSON: I'll second that.

14 CHAIR WEYMOUTH: Any further discussion? All in
15 favor?

16 BOARD MEMBERS: Aye.

17 CHAIR WEYMOUTH: Any opposed? Hearing none. So
18 let's reintroduce it.

19 INSPECTOR OLIVA: This case was opened last year on
20 August 14, 2013, for a open and unsecure fire damaged
21 dwelling. The following pictures were --

22 CHAIR WEYMOUTH: Excuse me just a second Inspector.
23 Do we have to re-read all the noticing and all that, or no?
24 Do we --

25 MS. WALD: The notices were already put into the

1 record, it's fine.

2 CHAIR WEYMOUTH: Okay, alright, okay.

3 INSPECTOR OLIVA: Okay, so --

4 CHAIR WEYMOUTH: Sorry.

5 INSPECTOR OLIVA: I'm just going to show the
6 pictures.

7 [Inspector Oliva displayed photos of the property.]

8 As you can see it's damaged inside the property.

9 That's a ceiling that was damaged by the fire. That's where
10 the fire began in the kitchen area. You can see part of the
11 ceiling that give in already. That's another view of the one
12 of the bedrooms. That's the living room.

13 MS. HALE: Well, that's not very secure.

14 INSPECTOR OLIVA: That's one of the bedrooms on the
15 front part.

16 CHAIR WEYMOUTH: It looks like it's already boarded
17 up.

18 INSPECTOR OLIVA: It was an attempt to board up, by
19 the bank. But what happened, they broke into it because it
20 wasn't done according to the way the City requests. So right
21 now, half of the property is open, wide open and we've got
22 people living inside the property that the police keep
23 removing them from there. So that's why we need to really
24 board it up the way that the City does.

25 MR. HOLLAND: How's. What's the situation with the

1 roof and water intrusion?

2 INSPECTOR OLIVA: The roof was repaired but it was
3 repaired without a permit and the system that was used is not
4 approved to be used in the State of Florida on the high wind
5 locations so --

6 MR. HOLLAND: So it's a temporary measure, and is
7 it functioning currently to keep the water --

8 INSPECTOR OLIVA: It's just a temporary; it's
9 preventing the water penetration into the dwelling.

10 MR. HOLLAND: Now, when we vacate this order we've
11 got to, you know, secure --

12 CHAIR WEYMOUTH: The Order's been vacated.

13 MR. HOLLAND: I mean, we already vacate the order
14 and now we've got to -- but -- we don't want to supplant the
15 repair order, we want to amend it with a repair and secure.
16 Is that more correct?

17 INSPECTOR OLIVA: Only secure, no repairs.

18 MR. HOLLAND: And the point for not --

19 MS. HALE: Repairing.

20 MR. HOLLAND: -- repairing is?

21 INSPECTOR OLIVA: At this moment --

22 MR. LARSON: [inaudible] homeowner.

23 MS. HALE: It's --

24 MR. HOLLAND: Or not putting a timetable on the
25 repair, we'd be without a timetable for the repair, correct?

1 MS. HALE: Ginger?

2 MR. HOLLAND: I don't quite understand why we would
3 eliminate that from the proceedings.

4 MS. HALE: Was this the house that we also had a
5 cleanup order on the outside that the neighborhood had
6 complained of the debris that was left on the outside of the
7 house or not? Was that another case?

8 INSPECTOR OLIVA: That was another case.

9 MS. HALE: I see things in this last picture on the
10 outside of the house.

11 MS. WALD: That was another case. [inaudible]

12 INSPECTOR OLIVA: Right, right.

13 MS. HALE: Okay. Okay.

14 CHAIR WEYMOUTH: Thornie, you had a question?

15 MR. JARRETT: Yes. George, I'm looking at these
16 pictures, these pictures are four and six years old.

17 INSPECTOR OLIVA: Yes. That's when we had the
18 fires on the dwelling and we did a case back then and then
19 the bank sent a company to do the board-up without permit.
20 But the way they did it, they didn't protect the doors or
21 anything and what happened in the rear where you see that old
22 door that was removed by the Fire Department they put up
23 plywood on the wall and it has been removed and we've got
24 people going inside into the property. And a couple of times
25 we already removed vagrants from inside.

1 MR. JARRETT: Well, my thoughts are, I'm looking at
2 pictures that are four and six years old --

3 INSPECTOR OLIVA: Right.

4 MR. JARRETT: -- and I see extensive damage to the
5 property and it's been open for years. And is there, is it
6 structurally sound? I mean, why is the City not asking for a
7 demo instead of --

8 INSPECTOR OLIVA: We cannot demo because it doesn't
9 meet the valuation criteria to have a demo. I already did it
10 and we were below the --

11 MR. JARRETT: So in your opinion, the structure is
12 still sound?

13 INSPECTOR OLIVA: There is some --

14 MR. JARRETT: And it's a repairable home?

15 INSPECTOR OLIVA: We just need to get a roofing
16 permit, repair the roof and repair the interior of the
17 property, the drywall that was damaged and the kitchen
18 cabinet.

19 MS. HALE: And before that, we see one possibility
20 [inaudible]

21 MR. HOLLAND: [inaudible] We're not supposed to
22 talk amongst ourselves.

23 MR. JARRETT: [inaudible] I presume.

24 MS. HALE: There was another one that you pull
25 across.

1 CHAIR WEYMOUTH: Ms. Morejon?

2 MS. MOREJON: Thank you Board, thank you for your
3 patience. Unlike the previous case, in that, our Inspector
4 indicated that we believe there is structural integrity that
5 still remains with this building. We feel it's appropriate
6 while we just vacated one Order and reopened it that we
7 actually withdraw this case, proceed it through the Code
8 Enforcement Board hearing. It's already boarded up and
9 therefore secure from that standpoint and we move forward
10 through that process.

11 CHAIR WEYMOUTH: Okay, very good. Case withdrawn.

12 MR. JARRETT: Okay.

13 CHAIR WEYMOUTH: Thank you. Alright, um--

14 MR. JARRETT: Did it scare you?

15 MS. HALE: Yes.

16 CHAIR WEYMOUTH: Scared me away. Alright.

17

18 **3. All Cases in** INDEX
19 **New River Condo Association**
20 **On NW 23 and NW 24 Ave**

21 MR. MARGERUM: The next case is actually fifty-
22 eight cases in the same complex. I'll go ahead and reference
23 that the case numbers, addresses, violations and extensions
24 as stated in the agenda pages one through fifty-eight. I
25 received two letters. Would you like me to read them in the

1 record or would you like copies of the records, copies of the
2 letters?

3 CHAIR WEYMOUTH: I think that they need to be read
4 into the record and just before we get into this let the
5 record reflect that I got a copy I think of one of the same
6 letters, I'm not, I only got one letter from Adams Consulting
7 Group.

8 UNKNOWN: Yes.

9 CHAIR WEYMOUTH: And I also received a phone call
10 from an attorney, Bernadette Norris-Weeks so just to have
11 that on the record as well. So, if you'll read those into
12 the record please.

13 MR. MARGERUM: Sure, read the Adams Group also?

14 CHAIR WEYMOUTH: I would read everything into the
15 record please.

16 MR. MARGERUM: [Reading from the letter]

17 As a resident and business owner in the City of
18 Fort Lauderdale, I actively support and participate in the
19 efforts of the City to make a better place to live and work.
20 I live in the neighborhood where the New River Condominium
21 project is underway. Therefore, I have a vested interest in
22 the near and long-term impact of this project on the
23 neighborhood and community at large.

24 Having read the October 23, 2013 letter from Mr.
25 Sean Moore to Ms. Bernadette Norris-Weeks on behalf of his

1 client, the owner and developer of the New River Condominium
2 and it's incumbent upon the City to stipulate items one,
3 four, five and eight in any agreement or action taken by the
4 Board going forward. Unfortunately, I'm not able to be at
5 this meeting and I will be traveling at the time. I would
6 appreciate if you would see that my letter becomes part of
7 the official record of this meeting. Signed, Pamela
8 Anderson, excuse me, Pamela Adams.

9 Second letter:

10 Circumstances prevent me from attending the
11 February 20, 2014 meeting of the Unsafe Structure Board
12 during which, I understand, will be a discussion New River
13 Condominium development. While I will not be in attendance,
14 I respectfully request that you make this written statement
15 available to the Board members and indicate it as part of the
16 minutes of the meeting and official records.

17 As a resident of the New River -- excuse me --
18 resident of the River Gardens/Sweeting Estate community
19 located adjacent to the New River Condominium I am keenly
20 interested in the project and its potential impact on my
21 community. My comments are as follows:

22 1. I join my neighbors in supporting the
23 recommendations outlined in our Homeowners Association
24 President, Ms. Bernadette Norris-Weeks's letter to Mr. Sean
25 Moore, attorney for the New River Condominium development. I

1 believe a copy of this letter and response have been made
2 available to the Board.

3 2. While I appreciate Attorney Moore's response to
4 Ms. Norris-Weeks, I am encouraged that there was support for
5 most of the recommendations. There are no assurances that
6 they would be implemented. Therefore, it would be helpful if
7 the response letter from Attorney Moore be indicated in the
8 actions of the Board to help ensure his compliance.

9 3. In the letter from Attorney Moore he writes
10 that the community's request for a wall to separate the
11 development from the community will require a variance not
12 likely to be granted; thus the wall is unlikely. I would
13 recommend the City allow for a variance resulting in an
14 attractive wall for the community.

15 I am grateful for your assistance in communicating
16 this correspondence to the Board and will be appreciative of
17 their consideration of our community's concern. We hope the
18 Board will be mindful that our objections are not borne out
19 of objection to the developer making money but that is to be
20 done at the expense of the community.

21 The Board should be overly concerned about this
22 development not just look good but that is structured with
23 the utmost care and attention to detail in regard to
24 electrical and other type wiring, environmental and
25 sanitation concerns, and safety. We have already experienced

1 a developer that built a structure that did not have
2 sufficient oversight that resulted in a building that was
3 eventually abandoned and left as an eyesore to our community.
4 We are counting on the Unsafe Structure Board to do all they
5 can to prevent this from happening again.

6 Thank you for your attention and please accept my
7 apologies for not being here to communicate. That's signed
8 Phyllis E. Berry, and her address is 2144 Northwest 4 Street.
9 Gerry Smilen is the inspector.

10 INSPECTOR SMILEN: Good afternoon Board. Gerry
11 Smilen, Building Inspector with the City of Fort Lauderdale
12 to report on the violations on the before-mentioned property.
13 We'll start with violation 115.1.1: this violation is
14 complied, FBC 115.2.1.1.1 was withdrawn, FBC 115.2.1.1.2 is
15 complied, violation FBC 115.2.1.1.3 is complied, FBC
16 115.2.1.2.3 has been complied, FBC 115.2.1.2.5 has been
17 complied and FBC .2.1.2.6 has been withdrawn. This case has
18 been complied.

19 CHAIR WEYMOUTH: This case has been what? I'm
20 sorry.

21 INSPECTOR SMILEN: Complied.

22 CHAIR WEYMOUTH: Okay. Is there a purpose for it
23 to reappear before this Board?

24 INSPECTOR SMILEN: The City believes there is no
25 reason.

1 CHAIR WEYMOUTH: Okay. Any questions for the
2 inspector before he steps away?

3 MR. JARRETT: Gerry?

4 CHAIR WEYMOUTH: George?

5 MR. HOLLAND: Gerry?

6 CHAIR WEYMOUTH: One quick question, Gerry.
7 Thornie.

8 [People speaking over each other]

9 INSPECTOR SMILEN: I'm getting a little confused.
10 Okay.

11 MR. JARRETT: Gerry. So, in other words, what
12 you're saying is that everything has been, throughout the
13 project, all departments, all units have been complied with
14 except for the two items that were withdrawn by the City.

15 INSPECTOR SMILEN: That is correct.

16 MR. JARRETT: Okay.

17 INSPECTOR SMILEN: Now, the City's not saying that
18 the project is completed, but it is, the violations are
19 complied.

20 MR. JARRETT: Is there other violations that are on
21 the horizon?

22 INSPECTOR SMILEN: No, there are not. There are no
23 -- I'm saying the violations are complied.

24 MR. JARRETT: There's no Code Enforcement?

25 INSPECTOR SMILEN: Well all I'm reporting on is

1 what this Unsafe Structures Board case is.

2 MR. JARRETT: Unsafe Structures, okay.

3 CHAIR WEYMOUTH: Okay. Thank you. Hang on Gerry, I
4 think Joe, John was it you?

5 MR. BARRANCO: Yes, it was me.

6 CHAIR WEYMOUTH: Okay, I'm sorry.

7 MR. BARRANCO: Thanks Mike. Gerry, so, we have an
8 order to demolish dating back, was that three, four years?
9 Are you asking us to withdraw the Order? And what's been
10 happening in the last -- I remember this case but.

11 MS. WALD: Yes. Just to give you an update. It's
12 an old case.

13 MR. BARRANCO: Thank you.

14 MS. WALD: Ginger Wald, Assistant City Attorney.
15 And we, and I have provided you updates during different time
16 periods of different events. The Order was entered -- Orders
17 -- on each one of the fifty-nine units was entered by this
18 Board. Different members of this Board but this Board.

19 After that, a petition for a writ of cert was filed
20 by some of the owners. It went to court. As you know, court
21 is extremely slow. It sat in court for a while and then the
22 decision was rendered by Judge Millie Rodriguez Powell. That
23 decision found that the Board's order had to be quashed and
24 it had to be quashed because there was not proof of the
25 valuation of each one of the units as to the valuation

1 criteria that it was more than fifty percent or thirty-three
2 percent on structural.

3 Therefore, after a period of time it was then
4 remanded back to the Board. That made the City have to go
5 back and run the calculations to make the determination. A
6 lot of things happened in between there, the City and the
7 property owners. But ultimately what the property owners did
8 -- and Gerry can provide you all the information in regards
9 to the permit or permits on each one of the units -- is that
10 the property owner -- or owners or trustee because it was
11 different entities at different times -- went ahead and
12 started pulling the permits and doing the work.

13 Ultimately, as Gerry has informed you the
14 violations that were originally before you and were part of
15 the Order have now been complied other than the two that were
16 withdrawn at the first hearing.

17 MR. BARRANCO: Right.

18 MS. WALD: So, hopefully that gives you a little
19 bit of a update. It's set as a status conference today and
20 we believed it made more sense to set it as a status
21 conference for a few reasons. One reason one, to provide
22 this Board -- as you have asked in the past for updates as to
23 what has occurred with your Order -- this is one of those
24 unique ones because the number of units and that it was an
25 appeal and it took a long time to get back to you.

1 Two, there were a lot of interested persons as you
2 can see they're trying to run to the microphone behind me,
3 and you've already heard two letters that have been read in
4 by residents of the community that were very concerned
5 regarding this property.

6 And some of you may have remember when this case
7 was originally heard and multiple times in front of you as to
8 the concerns of the citizens and some of the unit owners.
9 Therefore, we thought it was in the best interest that this
10 case be set back in front of you as status conference for
11 those two reasons.

12 And even though the City has gone ahead and has
13 provided you the information that the violations have been
14 complied, there were Orders additionally or affidavits as to
15 the cost, those were made liens. And they're still on the
16 units or the property except for the two that paid before
17 they became liens.

18 And therefore, it's not a complete withdrawal
19 because those liens -- in my legal opinion when I was asked -
20 - are still valid and still valid against those units.
21 Whether we'll ever collect is a different question for a
22 different day and not this Board. But that's why it's not
23 being completely just withdrawn and closed out. It's still
24 showing open because of that.

25 MR. BARRANCO: Okay.

1 CHAIR WEYMOUTH: Great.

2 MS. WALD: Any other questions that I can answer?

3 MR. LARSON: I have one question, and this is for
4 Gerry.

5 MS. WALD: Sure Don.

6 MR. LARSON: Is there, on the permits that are
7 taken --

8 MS. WALD: We can't hear you. Can you --

9 MR. LARSON: On the permits that are taken out,
10 the contractors that are working, are they moving forward to
11 improve the building and stuff like this? At this point do
12 you know?

13 INSPECTOR SMILEN: Yes they are. There is
14 progress. There are buildings that are getting close to
15 being CO'd and other buildings are progressing on their
16 inspections and through the permitting process.

17 MR. LARSON: Good. Thank you Gerry.

18 CHAIR WEYMOUTH: Gerry, one more question. All the
19 units that came before us back in 2010 it looks like, are
20 they all part of the same status conference? In other words,
21 everything that we talked about four years ago is being
22 talked about today.

23 INSPECTOR SMILEN: That is correct.

24 CHAIR WEYMOUTH: Okay. Very good. Good afternoon
25 ma'am.

1 MS. NORRIS-WEEKS: Good afternoon. Good afternoon
2 Board, Mr. Chair. I'm Bernadette Norris-Weeks, I'm the
3 president of the River Gardens Sweeting Estates Homeowners
4 Association. And this is -- I tell you -- a tough pill to
5 swallow. It really is. And I understand the position that
6 you all are in. I spent just a little bit of time talking
7 with the Building Inspector back there about what had been
8 done, what he has himself seen, those kind of things.

9 One of the things that he just said a little while
10 ago was that he noticed as I did very recently, there had
11 been, one of the buildings or one of the apartment buildings
12 had been vandalized and somebody was in it and he asked them
13 to get the person out and kind of thing.

14 Another thing that we see -- and work is being done
15 sporadically -- so you see people there I guess maybe right
16 before an inspection or something, then you see nothing. One
17 of the things that this Board should be aware of and for the
18 first reason the vandalizing and those kind of things I'd
19 asked that this matter be delayed for a period of time --
20 perhaps your next Board meeting or sixty days -- to allow the
21 police to go out and give you all a full report of what's
22 actually happened there.

23 Because I see it every day, I pass by this area
24 every day. There are people living over there, I don't know
25 where they're living. As the Building Inspector saw somebody

1 coming out of the unit, I'm not sure whether that's been
2 repaired or not.

3 But one of the things that this Board should know
4 is that letters have been going back and forth between Mr.
5 Moore, Sean Moore, who represented himself as representing
6 the owner and has been to meetings with Ginger Wald, myself,
7 other interested parties, to represent himself as being the
8 owner of this apartment complex.

9 And what he has told to us and he's represented to
10 us that they would do a number of things. And I was
11 surprised to come here today because we thought that we were
12 in agreement in terms of some of the things that they said
13 they would do, which included installing a gated entrance to
14 building area.

15 In addition to that, some other things that the
16 neighborhood association said they'd do, well they pulled no
17 permits for those things. I think that your opinion and
18 Ginger Wald and myself have talked about how some type of
19 stipulated agreement could be a part of this Board's
20 consideration and we both agreed that it could be a part of
21 what you consider in dismissing the actions if you find that
22 you're going to allow some time for there to be some
23 inspection of the vandalization which we see and squatters
24 being in those buildings.

25 We believe that you could make a stipulated or a

1 stipulation contingent upon your agreement to this action. I
2 spoke with a man here today for the first time. He hasn't
3 been involved in any of our meetings but said that he also is
4 an interested party and represents the owners.

5 And perhaps it would give us that period of time
6 where the police are going out and looking at the buildings
7 it would give us some more time to maybe talk with them and
8 come up with some agreement as to when they would do the
9 things that they told us they would do and they didn't have a
10 problem stipulating to other than for the first time today.

11 So I'm asking that -- and you can verify what I'm
12 saying from the Building Inspector that's what he just told
13 me a little while ago he saw what I saw. I think those are
14 real problems and that goes to at least one of the items
15 that's open or for consideration before you as to whether
16 that's been cleared or not.

17 We don't believe it has been, and that would allow
18 us to do a couple of things. To meet with all of the owners
19 who claim to be the owners or representatives of them. And
20 would also give time so that this Board is assured that the
21 things that are supposed to be complied with are done.

22 I won't go back through the history of all of this.
23 But it's really, as I started, when I started talking with
24 you, it's really a tough pill to swallow. Because this has
25 gone from something that should have been demolished that we

1 thought we were well done with. We were talking to FAU
2 students in the architectural school about drawing something
3 magnificent from the area to another sore spot, crime ridden
4 area that's going to totally -- we believe -- destroy our
5 community. Thank you for your time.

6 MR. LARSON: Ma'am --

7 CHAIR WEYMOUTH: Go ahead.

8 MR. LARSON: You said that going down over there,
9 do you see any security there at night and --

10 MS. NORRIS-WEEKS: There, no.

11 MR. LARSON: There's no night security --

12 MS. NORRIS-WEEKS: There's no.

13 MR. LARSON: -- and there's no gates keeping anybody
14 out?

15 MS. NORRIS-WEEKS: There's no night security;
16 anyone can walk around and walk right in that area. We see
17 people walking around there at night, in the day you may be
18 able to go there right now and see people walking around.
19 Sometimes people are in the buildings. And they can say it's
20 not true but we actually live there. And if the Building
21 Inspector said he saw it, I can tell you, I wouldn't think he
22 would have a reason to lie about it so --

23 MR. LARSON: Well, my main concern is that people
24 are getting in and out, and living there.

25 MS. NORRIS-WEEKS: Yes.

1 MR. LARSON: And if contractors are doing all this
2 kind of work, you're going to defeat your own purpose.

3 MS. NORRIS-WEEKS: Well, they're not doing--

4 MR. LARSON: Some of this stuff is not adding up
5 for me.

6 MS. NORRIS-WEEKS: Yes. They're --

7 MR. LARSON: And I want to be sure, because I think
8 it was in our original Order that it was to be secured. Am I
9 correct, Mr. Chairman?

10 MS. NORRIS-WEEKS: Well, I don't know how secure it
11 is when you can walk in and walk out and you see people
12 walking around back there.

13 MR. LARSON: So, the building and windows were all
14 to be secured.

15 MS. NORRIS-WEEKS: And this could be an opportunity
16 for you all to at least have the police or someone go there
17 to check this out, to check those buildings and the doors to
18 see that those doors are locked. Because as we stand here
19 today other than what I'm telling you, you wouldn't know
20 that.

21 MR. LARSON: That's fine.

22 MS. NORRIS-WEEKS: And so maybe that can be an
23 order from this Board that would --

24 CHAIR WEYMOUTH: Well, and there's other questions
25 for you so please don't walk away. But also understand this

1 Board is charged with looking into unsafe structures and the
2 fact that a door is left unlocked or a garage door is open
3 isn't really for us. That's more of a policing matter and
4 quite frankly I don't -- in my five or six years sitting up
5 here -- I don't recall having to make in order to direct the
6 police department or anything like that.

7 So while I hear what you're saying I don't think
8 that's going to be part of what's going to come out of here.
9 But I also know there's other questions for you so, Thornie?

10 MS. NORRIS-WEEKS: But Mr. Chair if I can quickly
11 respond to what you said.

12 CHAIR WEYMOUTH: Okay.

13 MS. NORRIS-WEEKS: That goes to one of the criteria
14 of what you would check off to see whether it's been complied
15 with or not. And so in that light, based on what your
16 inspector told me and what I'm sure he probably wouldn't have
17 a problem repeating, I'm wondering if you all could do some
18 due diligence on your own to make a request of the police
19 department through the City Attorney here to go and do that
20 review. And I would ask Mr. Chair at the very least that you
21 allow that to happen because --

22 CHAIR WEYMOUTH: Okay.

23 MS. NORRIS-WEEKS: We, as a community, we have
24 waited -- and it's not our fault that the City evaluated it
25 wrong or the City didn't put the proper Code Enforcement

1 liens in place or the City didn't review it properly or the
2 City didn't -- it's not our fault, but we are left to kind of
3 deal with the vestiges of what's been put before us.

4 CHAIR WEYMOUTH: And I think we understand that and
5 we'll try to be compassionate to it but understand that our
6 authority can only go so far. But based on your testimony
7 I've got a couple questions for the inspector when we circle
8 back to that.

9 MS. NORRIS-WEEKS: Yes sir.

10 CHAIR WEYMOUTH: But Thornie, you had a question?

11 MR. JARRETT: Yes. I have a question. I took away
12 from what you just said in your testimony that basically the
13 project is moving slowly in your all's opinion and because of
14 that, that has opened up the door for people to live there
15 and break-in and so on. And if in fact the project was
16 finished, then that would resolve that problem in your mind,
17 is that correct?

18 MS. NORRIS-WEEKS: Well, it's not so much that it
19 will resolve the problem, because I don't believe, I think
20 they're finished product is going to be horrible so it's
21 probably going to be better right now than what it will be
22 when it is completed to be quite honest.

23 Because we believe they're going to allow anybody
24 to come in there. It's going to be just a low income slum
25 area that the landlord doesn't care anything about. And I

1 can go through the history of telling you about who actually
2 owns this property but I'll let the papers do that.

3 But I will tell you that I don't think it's going
4 to make it any better. We didn't want it to exist before.
5 The police chief, the former police chief, who is now a
6 County Commissioner, was the first to talk about it when this
7 issue came up before the City Commission months ago and say
8 how it was the black hole, you go in there and people are
9 just like lost you just don't even know where they go.

10 This Commission chambers was full of people
11 testifying about this property saying all the things that
12 were wrong, all of the plumbing issues, all of the electrical
13 issues. People who are actually supposedly living there when
14 it, after it had been renovated the first time.

15 Now I don't know how these things have been cured
16 overnight, over a couple of months. I don't know, I mean I'm
17 not a building inspector. But I can tell you that it wouldn't
18 hurt at all and I think it would be within this Board's
19 authority to allow some time for a law enforcement review of
20 that one issue that is on the agenda. Which would also allow
21 us a little bit of time to speak with the developer. And
22 nobody would be hurt by that and I think it is within your
23 authority to do that if you so choose.

24 CHAIR WEYMOUTH: Joe, you had a question.

25 MR. CROGNAL: Yes I do. Yes, Ms. Weeks?

1 MS. NORRIS-WEEKS: Yes sir.

2 MR. CROGNALE: In all due respects, your statements
3 you're making we understand there's a lot of pain involved in
4 it. However, it's contradictory to what Mr. Smilen and has
5 told the Board that a lot of these violations have been
6 complied with, this code violation. He's a professional in
7 his field and if he relays to the Board, that they have been
8 complied with.

9 MS. NORRIS-WEEKS: Well, what Mr. Smilen said, what
10 he told me was that he had spoken with the owners about
11 correcting the problem of somebody being in there. What he
12 didn't say was whether that problem has been corrected. And
13 that's what I'm asking you to -- before you dismiss that --
14 to ensure that that problem has been corrected. It is quite
15 a different issue when you say yes, take care of that, and
16 you've actually checked and that's taken care of. And maybe
17 he'll --

18 MR. CROGNALE: But you have to admit, that's a
19 contradiction.

20 MS. NORRIS-WEEKS: Yes, and -- all I'm suggesting
21 is if you would allow some time for there to be some check
22 off the list and then you go on about your business and you
23 make your decision of dismissing it, then so be it. But
24 that's what he just told me less than thirty minutes ago, so.

25 CHAIR WEYMOUTH: Any other questions for Ms.

1 Norris-Weeks? Before we hear from you, sir, just a couple
2 quick questions. In her testimony, I -- one for you and one
3 for the inspector -- in her testimony she made reference to a
4 variety of owners but then I'm also reading that at least my
5 take away is that a Mr. Sean Moore sort of controls the
6 project. Can you roll up for me the ownership of all of
7 these? Can you tell me whether it's one person or forty-
8 eight people or twenty-four and twenty-four, or --

9 MS. WALD: It is not just one person. Ginger
10 Wald, Assistant City attorney. It's not just one person.
11 What happened was, originally the cases were brought, there
12 were different individuals that owned different units. Over
13 time because due to the foreclosures that had occurred, some
14 of the banks actually foreclosed and ended up with the
15 properties. Some of those foreclosure final judgments were
16 also assigned and they were picked up by different entities.
17 There were three different entities over time.

18 Sean Moore is an attorney. He's actually not one
19 of the owners or controlling it just so you know, and he's
20 sitting here so he can speak for himself. Bruce Drumm and
21 his, Drumm Enterprises, and then he had another company, D --
22 D Holdings and DBA DB Holdings. And then another company
23 came in and started picking them up from that as to the
24 warranty deeds passing over, quit claim deeds passing over
25 and that was 510 Building LLC.

1 The dissolution of the condominium because it was
2 reformed and then they because of the period of time, you've
3 missed most of these it's under dissolution proceeding. And
4 actually Mr. Stevens, Les Stevens is the attorney for the
5 trustee as part of the dissolution proceeding because they
6 took over and had over eighty percent of the ownership and
7 therefore they could proceed pursuant to the law to dissolve
8 the condominium ownership.

9 As to, as I stand here right now, as to specific
10 ownership, I'd have to go back to each one of the cases and
11 tell you exactly who legally is each owner on all fifty-nine
12 of them. Or you can just ask whatever questions in regards
13 to that to Mr. Stevens himself as part of dissolving of the
14 condominium because he has to check those on a regular basis.
15 I hope that answers that question.

16 CHAIR WEYMOUTH: So, one more quick question. As
17 you informed us, this is a status conference.

18 MS. WALD: Correct.

19 CHAIR WEYMOUTH: What is it that the City is
20 looking for from this Board today?

21 MS. WALD: The City is not looking for anything
22 from the Board today. As was stated before by Mr. Smilen, is
23 to provide the information that it has been complied.

24 CHAIR WEYMOUTH: Okay.

25 MS. WALD: The order that you originally entered --

1 and I think Mr. Larson had asked about that -- the Order that
2 you originally entered was quashed by the court so it doesn't
3 exist anymore. So if this case would have to go forward as
4 to get an order as a brand-new case, then it would have to be
5 present as a brand-new case.

6 CHAIR WEYMOUTH: Okay.

7 MS. WALD: Just so you're aware. So it really is a
8 status conference based upon the information as I stated
9 before.

10 CHAIR WEYMOUTH: So there will be no voting.

11 MS. WALD: Probably no voting, yes.

12 CHAIR WEYMOUTH: Okay.

13 MS. WALD: Okay.

14 MR. HOLLAND: Could make a motion.

15 MS. HALE: No.

16 MR. LARSON: Ginger?

17 MS. WALD: Unless some motion is made that I'm not
18 aware of that hasn't been made yet.

19 CHAIR WEYMOUTH: Okay.

20 MR. LARSON: Ginger, should we, since the original
21 order was squashed should we, should you just start a new
22 case and then go from there or --

23 CHAIR WEYMOUTH: The City's not bringing a new
24 case.

25 MR. LARSON: Oh, you're not bringing --

1 MS. WALD: The City's not bringing a new case as
2 was stated by Gerry. The City's not bringing a new case
3 because all the violations that we originally had were
4 complied.

5 MR. LARSON: Okay.

6 MS. WALD: If there were new violations that were
7 brought and if they met the standard for Unsafe Structure
8 Board then they would be brought back in front of you.

9 CHAIR WEYMOUTH: Okay.

10 MR. LARSON: But at this point, there are none.

11 MS. WALD: If there are other -- I'm sorry?

12 MR. LARSON: At this point there are none, it's --
13 that you know of.

14 MS. WALD: I would -- a court that -- again, I'm
15 going to let you go back with Gerry on that because he is the
16 Building Inspector and inspects the properties. But to my
17 knowledge there are none. And again, I'm not Building
18 Inspector or I'm not stating what the violations may or may
19 not be. But I'd rather have Gerry speak to that as opposed
20 to hearsay.

21 CHAIR WEYMOUTH: Great.

22 MR. LARSON: Thank you.

23 CHAIR WEYMOUTH: Thank you.

24 MS. WALD: And I think you have a question for
25 Gerry.

1 CHAIR WEYMOUTH: I do, I do.

2 MS. WALD: Okay.

3 CHAIR WEYMOUTH: Gerry, are there any active
4 utilities to these apartments at this time? Is there any
5 power on, is there any water on?

6 INSPECTOR SMILEN: Gerry Smilen, Building
7 Inspector, the City of Fort Lauderdale. Right now we're, as
8 far as any power and water, that would just be pretty much
9 commensurate with how far the buildings are along. I believe
10 there's a building that will be coming up for CO in the near
11 future and that's when that will be activated.

12 From a site visits that I did a few weeks ago with
13 the postings for this case, there was everything, we have
14 temporary electric, we have temporary water.

15 CHAIR WEYMOUTH: But the City only issues like a
16 thirty day temp for test, correct? In other words, if you
17 order a temporary meter to be set in order for doing a hot
18 check or what have you, that is only for a short duration.
19 So when the argument is that the work is being done
20 sporadically, there's a sunset to the amount of time that
21 this power is staying on to these units, correct?

22 INSPECTOR SMILEN: Well, yes, but there aren't
23 power to the individual units. There's a power source that
24 people will use to, you know, for the construction and for
25 their particular job or scope of work. It's not, the

1 individual units have not been energized and cannot be
2 energized until all the final inspections have been approved.

3 CHAIR WEYMOUTH: The individual units have not
4 been energized?

5 INSPECTOR SMILEN: No, they have not.

6 CHAIR WEYMOUTH: None of them?

7 INSPECTOR SMILEN: No.

8 CHAIR WEYMOUTH: Okay. So, alright. Any other
9 questions of the Inspector? Yes sir?

10 MR. HOLLAND: Gerry, what was, repeat what was said
11 about the perimeter fencing issue. Is it secure from a
12 perimeter fence and locked gate aspect?

13 INSPECTOR SMILEN: Yes. From my site visits there
14 is a, there is a perimeter fence and the gate is supposed to
15 be secured nightly.

16 MR. HOLLAND: At night.

17 INSPECTOR SMILEN: Yes.

18 MR. HOLLAND: After the crews leave.

19 INSPECTOR SMILEN: That's correct.

20 MR. HOLLAND: And it's a standard fence for such a
21 situation? [inaudible]

22 INSPECTOR SMILEN: Well, the gates are, they appear
23 to be about, I guess six foot high, wood type of fence and
24 there is a chain with a padlock there.

25 MR. HOLLAND: How about the fence itself? Is it

1 barbed at the top or --

2 INSPECTOR SMILEN: No.

3 MR. HOLLAND: -- just twisted barbed?

4 INSPECTOR SMILEN: No. No it's not.

5 MR. HOLLAND: No structure. It's climbable.

6 INSPECTOR SMILEN: Well, it could be, I guess.

7 CHAIR WEYMOUTH: One more quick question for you.

8 I don't know what different degrees of construction these
9 different units are at I can't believe they're all moving
10 through at the same pace. But are there units that are
11 significantly completed don't have some sort of window and
12 door protection? In other words, as Ms. Norris-Weeks says
13 that there are people coming and going and able to I will say
14 habitate the place, is that because the doors are left
15 unlocked or is that because there are no entry doors to guard
16 the property?

17 INSPECTOR SMILEN: There are entry doors installed
18 there are also construction locks on those doors and their
19 windows, the window permits, I believe are all closed out.
20 They're brand new windows --

21 CHAIR WEYMOUTH: So the property could be secured
22 if the contractor so choose to go by there at five o'clock
23 every night and block all the windows and lock all the doors.
24 They could secure the property.

25 INSPECTOR SMILEN: Absolutely.

1 CHAIR WEYMOUTH: Okay.

2 MR. CROGNALE: Michael?

3 CHAIR WEYMOUTH: Hang on. Just a second, Gerry.
4 Joe?

5 MR. STEVENS: I'd like, Mr. Chairman if I may. My
6 name is Les Stevens, I'm the attorney for the trustee and I
7 would like to be able to answer and address all of these
8 issues as Mr. Drumm, as the trustee of the termination to be
9 able to present all of the facts that are done and the
10 misconceptions that have been --

11 CHAIR WEYMOUTH: Okay.

12 MR. STEVENS: -- addressed before there is any
13 rebuttals or anything else.

14 CHAIR WEYMOUTH: Okay.

15 MR. STEVENS: So I just wanted to have that
16 opportunity to be able to walk you through where we are. I
17 can give you the history and answer any questions with regard
18 to where we were, where we are and where we're going.

19 CHAIR WEYMOUTH: Okay. Gerry, before you sit down,
20 I think Joe had one more question for you.

21 MR. CROGNALE: Gerry, in the due course of pulling
22 permits have there been any intermittent inspections done on
23 the property, for instance, electrical --

24 INSPECTOR SMILEN: Absolutely. There have been
25 inspections happening on a weekly basis there.

1 MR. CROGNALE: Okay, so we do have ongoing
2 inspections --

3 INSPECTOR SMILEN: Absolutely, there is --

4 MR. CROGNALE: Because the final inspection
5 obviously can't be pulled until all the disciplines are done
6 with their project.

7 INSPECTOR SMILEN: That is correct. The
8 inspections are in progress and the buildings are progressing
9 towards completion.

10 CHAIR WEYMOUTH: Okay.

11 MR. CROGNALE: Thank you Gerry.

12 CHAIR WEYMOUTH: Alright sir.

13 MR. STEVENS: Thank you. My name is Les Stevens
14 I'm an attorney representing Bruce Drumm who is the trustee,
15 the termination trustee under the plan of termination of the
16 New River Condominium. As the Inspector had indicated to you
17 all of the violations which are before this Board are in
18 compliance. And therefore, what is asked for from the Board
19 is -- and I don't know whether it's a formal vote or whether
20 it's an administrative matter -- is a notice of compliance
21 and dismissal of the violations since there is no further
22 action to be taken with regard by the USB.

23 The property is owned right now, fifty-seven out of
24 the fifty-eight units are technically owned by 510 Building
25 and the rest are owned by the trustee of the, under the plan

1 of termination. That is with total control.

2 So, when this project started and it was abandoned
3 you had fifty eight different owners. You basically have one
4 owner and a trustee under Florida statutes who is
5 transferring the final common areas and converting the
6 property back to a single legal description to be transferred
7 to 510 which will be done in a couple of weeks.

8 This is an active construction site I have fifteen
9 pages worth of permits that have been issued on all these
10 units. Two of the buildings have permanent electricity and
11 plumbing, final CO'd -- the final CO is not out but they have
12 been OK'd and been turned on on a permanent basis.

13 There is a ten-foot security fence that is locked
14 from the construction that is done on a daily basis. All
15 windows and doors are secured. If there are individual
16 events that are taking place that Ms. Weeks is referring to
17 she did not present any sort of evidence of any of the
18 violations that are before this Board still existing.

19 Therefore, this matter, this matter is moot as far
20 as the USB is concerned. With regard to any concerns that
21 she has with regard to other things to be done and other
22 letters and other discussions that's for the Planning Board,
23 that's for the Building Department and for site plan
24 approvals and that would need to be addressed and not within
25 the purview of review of this Board.

1 Neither is there an ability of the Board to provide
2 and enforce an agreement amongst adjoining property owners
3 and the fact that the City has no violation that exists
4 before this Board at this point in time which would otherwise
5 preclude them from not taking any further action or voting to
6 say that, acknowledging that it is in compliance so that the
7 appropriate paperwork can be placed in the public records.

8 As I had stated, this is a secured construction
9 site as a matter of fact the general contractor has been
10 using local community members for not only for working on
11 this site but other sites as well. So we've already become
12 part of the community to assist it in that nature.

13 The concerns that Ms. Weeks has is not are, do not
14 belong before the USB, they belong before any other board
15 that addresses the development, the future development of the
16 property. And I thank the Board for their consideration and
17 I will answer any questions specific to any of the questions
18 that were presented.

19 Let me just say that the inspector made the
20 statement on the record which is the only viable testimony
21 which this Board can consider that all items are in
22 compliance. Anything that was stated by members of the
23 public are allegations that are unproven; no proof was
24 provided and are not and are therefore not admissible. But
25 your City Attorney will, could tell you those things if

1 there's a question as to those, that.

2 I would ask that the Board make a motion to direct
3 the City to do administratively what it needs to do to remove
4 this as a Notice of Violation on the public record.

5 CHAIR WEYMOUTH: Any questions for Mr. Stevens?
6 Joe?

7 MR. CROGNALE: Yes. Mr. Stevens, my understanding
8 of this Board, the Unsafe Structures Board, is the ownership
9 of fifty-nine and one or -- is irrelevant. Either a code
10 violation exists or it doesn't exist. That's what we're here
11 to consider.

12 MR. STEVENS: Yes.

13 MR. CROGNALE: The other stuff is irrelevant.

14 MR. STEVENS: I agree with you sir.

15 MR. CROGNALE: Thank you.

16 MR. STEVENS: But what I wanted to give the
17 assurance to the Board members so that they were not confused
18 that this was a rather long, drawn out process in order to
19 obtain significant, sufficient owner ship consolidation of
20 ownership in order to move forward to create a termination of
21 the condominium.

22 MR. CROGNALE: We can follow the timeline.

23 MR. STEVENS: We were dealing with fifty-eight
24 different units and probably sixty different lenders.

25 CHAIR WEYMOUTH: Well, and allow me to clear up why

1 I asked the question is we hear a lot of cases every month
2 and there are many times when an owner doesn't show. And to
3 me that shows interest in the outcome of the request. So if
4 you were only here representing one person and there were
5 fifty-eight people that didn't show up I'd say the other
6 fifty-eight people gave up on the project. But obviously
7 that's not the case. But that's why --

8 MR. STEVENS: We have representatives of 510 who
9 are here observing.

10 CHAIR WEYMOUTH: -- but that's why the question was
11 asked.

12 MR. STEVENS: And just to clarify one thing that
13 Ms. Wald stated. The USB cost recovery liens are valid, but
14 they are no longer on the property by law. What happens
15 under a plan of termination is that any municipal liens that
16 exist get bonded off to termination funds to the extent that
17 they are available for distribution.

18 That's why she had stated with regard to
19 collection, there not be a one hundred percent collection
20 based upon the priorities set by statute. But from a
21 technical standpoint the liens do not exist on the property
22 but are bonded off to the termination funds much like a claim
23 of lien is bonded off a property as well.

24 CHAIR WEYMOUTH: Just a second Mr. Stevens.
25 Thornie?

1 MR. JARRETT: When did -- I have two questions --
2 when did the actual construction start and when is the
3 projected date of completion?

4 MR. STEVENS: The construction started I would
5 guess two years ago. Two?

6 MR. RICCI: Construction started six months ago.

7 MR. STEVENS: Six?

8 MS. WEEKS: [inaudible] That's not true.

9 MR. STEVENS: Okay. Excuse me Ms. Weeks, I gave
10 you your opportunity to speak. I would appreciate.

11 CHAIR WEYMOUTH: Gentlemen, I'll --

12 MR. STEVENS: They --

13 MS. WALD: [inaudible] somebody else that knows
14 that they can obviously testify [inaudible]

15 CHAIR WEYMOUTH: Right, exactly.

16 MR. STEVENS: Okay. It's been an ongoing thing and
17 then like I said to you, I have fifteen pages worth of
18 permits here and I can look up when the first permits were
19 pulled because --

20 MR. JARRETT: Well, that's all right.

21 MR. STEVENS: -- because there was internal
22 demolition permits that had to be pulled first, so that work
23 had to be done.

24 MR. JARRETT: Sometime within the last year,
25 though.

1 MR. STEVENS: Oh, absolutely.

2 MR. JARRETT: Okay. And when's the projected date
3 of completion?

4 MR. STEVENS: You want to?

5 Mr. RICCI: 9/16/13 is when construction started.

6 MR. STEVENS: 9/16/13, okay, is when construction
7 started.

8 MR. JARRETT: Okay.

9 MR. RICCI: We're expecting completion of building
10 number one --

11 CHAIR WEYMOUTH: And --

12 MR. STEVENS: Okay. You want to state your name
13 and --

14 CHAIR WEYMOUTH: And again, I think --

15 MR. STEVENS: [inaudible] this is five buildings so
16 it has to be done on a rolling basis, so --

17 CHAIR WEYMOUTH: Is all the construction on one
18 permit?

19 MR. STEVENS: No.

20 Mr. RICCI: No.

21 CHAIR WEYMOUTH: Okay.

22 MR. RICCI: My name --

23 MR. STEVENS: Each building has its own set of
24 permits; each unit has its own set of permits.

25 Mr. RICCI: My name is Tom Ricci, I'm with BT

1 Builders Incorporated. I take exception to the comments that
2 have come out here. That's called liability on my insurance.
3 I have three security guards on this property and they are
4 there twenty-four/seven.

5 The police stop at this property at 12 o'clock, two
6 o'clock and five o'clock in the morning, They're allowed to
7 come into the property and actually walk the entire property
8 every single night. We've hired well over a hundred people
9 from within that community. So I do take exception to the
10 lady's comments.

11 We did take down the security gate. We had a lot
12 of suspectable people entering so we put up a temporary gate.
13 We will be taking down the gates when the project becomes
14 more completed in the front end. Building number 451 is two
15 days from a final. Building number 471 is five days from
16 final.

17 Building number 480 -- these are the three
18 buildings that are up along the river -- is within ten days
19 from a final. Power is hooked up to building number 451 and
20 471. Permanent water is hooked up to building 451, 471, 480
21 and 500. That's permanent water not temporary. We're
22 waiting for a permanent meter for 510. It's available; we
23 just didn't want to spend the five thousand dollars at this
24 time to get it. We're waiting for maybe a couple more weeks,
25 we'll have that one.

1 Building number 510, which is the U-shaped
2 building, is within six weeks of CO. Building number 500 is
3 within four weeks of CO.

4 CHAIR WEYMOUTH: Just out of curiosity -- and it
5 has no bearing, for me at least -- when do you anticipate the
6 first residents to move in there? You're talking that you've
7 got permanent water, permanent electric --

8 MR. RICCI: Within a week.

9 CHAIR WEYMOUTH: Huh?

10 MR. RICCI: Within a week or two.

11 CHAIR WEYMOUTH: Within a week or two?

12 Mr. RICCI: We're bringing, as soon as CO is
13 issued, which, your building inspectors have been great, I
14 applaud them, this has not been an easy job, so subsequently
15 they've been working with us and they know that we're about,
16 we have temporary for test --

17 CHAIR WEYMOUTH: Is there a pool at this property?

18 MR. RICCI: Is there a what?

19 CHAIR WEYMOUTH: A pool.

20 MR. RICCI: No.

21 CHAIR WEYMOUTH: Is there street lighting?

22 Mr. RICCI: Yes.

23 CHAIR WEYMOUTH: And it's active, it's live at
24 night?

25 MR. RICCI: Now that we have the permanent power,

1 yes.

2 CHAIR WEYMOUTH: So --

3 MR. RICCI: And we're probably well over --

4 CHAIR WEYMOUTH: So those lights are on tonight.

5 Mr. RICCI: -- well over ten, fifteen -- building
6 510 is on.

7 CHAIR WEYMOUTH: Okay.

8 Mr. RICCI: Building -- you know, we're going for
9 temporary for test which means that they're on, they're off,
10 they're on, they're off, because, they're hooked at temporary
11 power. But there again, the common meter itself may have
12 some issues with it so if in fact we need the time clocks or
13 whatever adjusted and that's what we're doing right now.
14 When I was out there this morning building number 510 is
15 lighted and --

16 CHAIR WEYMOUTH: But there's site lighting behind
17 the building?

18 MR. RICCI: Absolutely.

19 CHAIR WEYMOUTH: In the parking lots?

20 MR. RICCI: Yes.

21 CHAIR WEYMOUTH: And I heard you say, you
22 referenced a building that was along the water. Is the
23 waterfront --

24 MR. RICCI: There's three buildings along the
25 water.

1 CHAIR WEYMOUTH: Is the waterfront protected from,
2 protected by a gate, a fence?

3 MR. RICCI: Yes. The, there's a six-foot high
4 fence along the waterfront.

5 CHAIR WEYMOUTH: That was installed as part of the
6 work that you're doing or it was a --

7 Mr. RICCI: It was already existing. We actually
8 repaired it.

9 CHAIR WEYMOUTH: Okay.

10 MR. JARRETT: So you could say safely that, you
11 could go on record here today for the benefit of the --

12 Mr. RICCI: I am on record.

13 MR. JARRETT: -- for the benefit of the residents
14 that within a few months construction will be complete? Is
15 that the way I heard that?

16 Mr. RICCI: Yes.

17 MR. JARRETT: And you will be actively engaged in
18 looking for new tenants I'm sure, if the place is finished.

19 Mr. RICCI: Love to have you there.

20 MR. JARRETT: So, it should be occupied and
21 everything within a few months in the future.

22 Mr. RICCI: Yes.

23 MR. JARRETT: Okay.

24 Mr. RICCI: It should be occupied within a couple
25 weeks.

1 MR. JARRETT: Okay.

2 Mr. RICCI: That's what our hope is.

3 MR. JARRETT: Well, I think that this would put
4 some rest to some of the residents in as much as if you get
5 permanent residence in there than that --

6 Mr. RICCI: Well, and my concern on this entire
7 project --

8 CHAIR WEYMOUTH: Well again, I think we have to
9 bring it back to what we're charged with doing, is
10 understanding whether there's any on safe structure or
11 situation. And that's why I asked about the pool and the
12 water and the lighting that kind of thing. So, as a
13 contractor, I can tell you, you can build as slowly as you
14 would like within the law or as quickly as you would like.
15 Eventually your permits may expire. It doesn't sound like
16 that's the case here, and if they want to take two months to
17 put appliances in that's their right to take two months and
18 that's not for us to decide, so.

19 MR. STEVENS: Mr. Chairman, if I can give you a
20 clarification. The --

21 CHAIR WEYMOUTH: Would you state your name again
22 just so that the court --

23 MR. STEVENS: Sure. Les Stevens, attorney for the
24 termination trustee.

25 CHAIR WEYMOUTH: Thank you.

1 MR. STEVENS: There are bills that are being paid
2 by the termination trustee directly to FP&L with regard to
3 the common area lighting. So that is all on a continuing
4 basis being worked on as the contractor had stated. But
5 there are bills being generated and obviously all those items
6 are being taken care of.

7 CHAIR WEYMOUTH: Okay.

8 MR. STEVENS: Thank you.

9 CHAIR WEYMOUTH: Um, do you have more testimony,
10 sir?

11 MR. RICCI: Yes, I want to say one other thing.
12 The young lady has stated that we have squatters. I have
13 three security guards in this area only because I would like
14 my property -- because it's still mine, it hasn't been paid
15 for yet -- protected. These security guards actually stay
16 there twenty-four/seven. This is who opens the gate up at
17 night for the police to come in.

18 They have been told if the police come you allow
19 them to go in, you allow them to go wherever they want. They
20 can walk however they want. If you want to have a barbecue
21 with them, have a barbecue with them, I don't care. But
22 there, at no shape form shall this property be unsecured.

23 CHAIR WEYMOUTH: Do you have no trespass warrant
24 affidavits filed with this property with the Police
25 Department?

1 MR. RICCI: Yes, no.

2 CHAIR WEYMOUTH: Huh?

3 Mr. RICCI: I don't have the affidavits filed but
4 the property is totally posted.

5 CHAIR WEYMOUTH: Okay.

6 MS. NORRIS-WEEKS: Mr. Chair [inaudible]

7 CHAIR WEYMOUTH: One moment. I'm going to try to
8 bring a little bit of order back to this because I don't know
9 if anybody else wants to introduce testimony before we start
10 hearing all the rebuttal testimony. So if neither of you
11 have anything else, we're going to let you step aside with
12 the exception if you want to rebut something and later on --

13 MR. STEVENS: I just want to reserve the right to -
14 Les Stevens -- I want to reserve the right to have a final
15 statement when all the testimony is given.

16 CHAIR WEYMOUTH: So granted. Is there anybody else
17 that would like to testify that has not been heard, before we
18 start the rebuttal testimony. Yes ma'am please step up and
19 state your name.

20 MS. BALOYRA: Just very quickly. Thank you for
21 having us this afternoon. My name is Patty Baloyra with
22 Broad and Cassel. We represent 510 Building LLC. We're here
23 to answer any questions that you have. As the gentleman said
24 we own about fifty-seven out of the fifty-eight buildings and
25 so we have a vested interest in making sure that this moves

1 forward. We've spent between two and three million dollars
2 redeveloping this property and bringing it up to code and we
3 thank you for your time. We're here if you have any
4 questions.

5 CHAIR WEYMOUTH: So, just so, for the record, it
6 would be safe to say that you concur with the testimony of
7 Mr. Stevens?

8 MS. BALOYRA: Yes.

9 CHAIR WEYMOUTH: Okay. Thank you.

10 MS. BALOYRA: Thank you.

11 CHAIR WEYMOUTH: Anyone else? Ms. Weeks?

12 MS. NORRIS-WEEKS: Thank you. Mr. Chair and
13 Board members. To the extent that the property owner
14 has put three security guards on the property, that
15 must have just happened last night in anticipation of
16 today because I can tell you three security guards
17 have not been there on this property at any point that
18 any of the neighbors has seen. So I would beg to
19 differ as someone who lives right next to the
20 property.

21 Additionally, I just spoke with the, your City
22 Attorney assigned to this Board and, about what your,
23 what powers you have in terms of hearing this issue,
24 extending or going forward, terminating, whatever, and
25 I suggested that if this were brought up for another

1 status conference in thirty days or sixty days you
2 would have the power to do that. Mr. Chair and Board
3 members, you all have the power to do that.

4 I think there has been some discrepancy in the
5 testimony as to what security is there. That might
6 allow this Board to have someone evaluate that,
7 preferably police. I'm not aware of any police that
8 have gone on that property and I'm in touch with the
9 Police Department all the time as a homeowner's
10 president so. They're expecting like the worst of the
11 worst with this property as well. And I don't think
12 they're aware of security has been property.

13 So I would just ask that you guys -- that you
14 all, lady, lady -- that you all allow for just a
15 little bit of time for there to be some evaluative
16 process of at least the issue of the vagrancy issues.
17 And you can have this come forward as a status issue
18 again on the next agenda or the next agenda after
19 that.

20 And as representing the homeowners association,
21 again, I believe that it's the very least that we
22 could ask for and that you could do to try to help us
23 work a little bit closer with this developer and allow
24 the process to go forward in the best way possible at
25 this point given everything that we've been through.

1 Thank you.

2 CHAIR WEYMOUTH: Okay. Any other -- Ms. Weeks,
3 before you walk off -- any questions for her?

4 MR. CROGNALE: No.

5 CHAIR WEYMOUTH: Okay. Thank you ma'am. Mr.
6 Stevens?

7 MR. STEVENS: Yes. Mr. Chairman, members of the
8 Board. As I have stated before, what is before the
9 Board is whether there is compliance of the
10 violations. This matter has gone on for almost three
11 years, three years' worth of litigation and there's,
12 and as you have heard, everything is in compliance.
13 Anything that the neighborhood and Ms. Weeks's
14 testimony is not before this Board, cannot be
15 considered by this Board as viable testimony because
16 it does not go to the violations themselves and is for
17 another day and for another board to consider.

18 I represent the trustee who is responsible for
19 the security, light, paying all the bills, all the
20 lighting, all the fencing, and everything else under
21 Florida statutes. And trust me, if there were any
22 violations of that I'm sure we would hear from the
23 Code Enforcement people that that has not been done.

24 Or if, and if there was anything that was still
25 pending under those original violations I'm sure you

1 would have heard from it, heard about it today as
2 well. The only thing you heard from the inspector is
3 that everything is compliance, is in compliance and
4 therefore there's nothing else for this Board to
5 consider other than to direct the City Attorney to
6 file the administrative papers necessary to have it
7 dismissed. Thank you for your time and consideration.

8 MR. BARRANCO: Can I ask one question?

9 CHAIR WEYMOUTH: One question Mr. Stevens.

10 MR. BARRANCO: Is this thing on? Hello? It was
11 on. Hello. Mr. Stevens, when you started your
12 presentation you had mentioned you were going to tell
13 us what's happened up until this day, what's happening
14 now and what's going to happen in the future. We
15 didn't hear anything about that. Could you please --

16 MR. STEVENS: Which, in particular?

17 MR. BARRANCO: The future. There was no mention
18 of what's happening.

19 MR. STEVENS: The future, I believe you heard
20 from the general contractor in terms of the fact where
21 we stand with the construction.

22 MR. BARRANCO: More about leasing, development.

23 MR. STEVENS: That's really a private matter with
24 the owners of 510 in terms of whether, in terms of the
25 forward leasing and what is to be done, and everything

1 obviously being done in accordance with City code and
2 with Florida statutes. Again, those are all items --

3 MR. BARRANCO: Yes, and that's --

4 MR. STEVENS: With all due respect, those are all
5 items that are outside the scope of the violations.

6 MR. BARRANCO: I'm only asking because you
7 mentioned the future and I was curious to hear the
8 future.

9 MR. STEVENS: The future I was talking about is
10 the fact that we are close, the property is close to
11 being habitable again.

12 MR. BARRANCO: Thank you.

13 CHAIR WEYMOUTH: Any other questions? Thank you
14 Mr. Stevens. Is there anybody else that wants to talk
15 to this matter before we close the public hearing and
16 bring it back to the Board? Alright, the public
17 hearing is closed. Is there any further discussion?

18 MR. CROGNALE: Yes I --

19 CHAIR WEYMOUTH: Joe?

20 MR. CROGNALE: I do have some discussion on it.
21 With respect to Ms. Weeks and Mr. Stevens, their
22 testimony, I'm comfortable -- and I don't know how my
23 colleagues feel -- that the process is in order. If
24 those permits are pulled -- and I'm familiar with the
25 permit process -- and interim inspections are being

1 pulled, we're going forward, we're going in the right
2 direction.

3 So the City is doing what they're supposed to be
4 doing and I don't think we can override in any effect
5 of rescinding those permits. I don't think that's our
6 position. So if they were gotten in good faith -- and
7 I'm sure they were, and they were paid for, I know
8 they're expensive -- and but the process is going on,
9 it's going forward.

10 CHAIR WEYMOUTH: Any other comments?

11 MR. HOLLAND: You go ahead John.

12 MR. BARRANCO: Yes, I agree with Joe. And thank
13 you for the City staff bringing that forward and keeping us
14 in the loop because we do often wonder what happens with
15 these projects and we do care. I stand by what we did
16 originally, given the evidence at the time I think it was the
17 right thing to do. It sounds like somebody stepped up. It
18 was a complicated project, they got it all together and
19 hopefully it's going to be a great addition to the community.

20 MR. HOLLAND: Hypothetically speaking -- but no
21 disrespect to the parties involved -- but I have observed a
22 practice at the City of protracted projects that don't
23 achieve their CO almost purposely because of kicking in the
24 increased assessment of the property at the Property
25 Appraiser. And I just have, in listening to this information

1 which we appreciate hearing, I just was weighing that against
2 that practice.

3 A lot of inspectors go out on called inspections on
4 many called permits and if they do it every sixty days they
5 can keep a project open virtually forever. It's a loophole
6 that I feel needs to be closed. I don't think it's
7 necessarily applicable here and I certainly hope not. And I
8 wouldn't be opposed to another status hearing like we just
9 had.

10 But I think for the benefit of the neighborhood,
11 Ms. Weeks and others of concern, some of these projects
12 hypothetically need to get finished and not dragged out to
13 avoid the higher tax assessment. I don't think that Property
14 Appraiser's office would object to that either as the
15 taxpayers also would not object.

16 But we have a non-, you know, this wasn't a quasi-
17 judicial hearing, my understanding it was just a conference
18 hearing. Nobody was sworn in, hopefully the testimony was
19 truthful. But I just hope this rolling CO and permitting and
20 finals just continues diligently so that this project can be
21 completed and fully secured by occupancy and carrying
22 renters. Just a comment, thank you.

23 CHAIR WEYMOUTH: Anybody else have anything?

24 MR. LARSON: I've heard enough.

25 CHAIR WEYMOUTH: My closing comment -- because I

1 did sit on this Board when this was heard back in 2010 -- is
2 back then this room wasn't filled with developers and lawyers
3 trying to protect the asset, it was filled with bankers
4 trying to figure out how to forestall the inevitable, which
5 was, we granted. But there was one guy that was here and he
6 was very proud homeowner and he was very proud to tell us
7 that he was making his mortgage payment every month.

8 Remember that?

9 MS. HALE: Yes.

10 CHAIR WEYMOUTH: And I'm hoping that's the one guy
11 that isn't in the ownership. And I hope he's still out
12 there. So that's my last comment, so. If there's -- no, the
13 public hearing has been closed sir, I'm sorry. So, with that
14 being said, if there's no other -- do you have another
15 comment?

16 MR. CROGNAL: One short comment. In my
17 estimation, if the process has started and it's factual,
18 alright, all of us here have lost a job.

19 CHAIR WEYMOUTH: Okay. That will close the status
20 conference on this.

21 INDEX

22 COMMUNICATION TO THE CITY COMMISSION

23 None.
24
25

Other Items and Announcements

INDEX

CHAIR WEYMOUTH: I would imagine we also need to send up any kind of comments to the commissioners if we have anything for the good of the City.

MR. BARRANCO: I've got one.

CHAIR WEYMOUTH: Okay. Mr. Barranco.

MR. BARRANCO: I don't know how many people know but Chris Augustin, who's been with the City for a very long time as our Chief Building Official is moving on. And he will be missed by this Board. I just want to thank you for your service. I just hope that when the City Commission and the City Manager hiring new Building Official that he's as understanding and as knowledgeable as you have been. And I personally really appreciate your service Chris, so.

CHAIR WEYMOUTH: I second that. Thank you Chris.

[Applause]

CHAIR WEYMOUTH: Anything else for the good of the order that we want to pass on to the City Commissioners? Anything else from the City?

MR. MARGERUM: Yes, one last housekeeping. If you check your packet you're going to have a Board and Committee workshop date. Please RSVP for that if you're able to go.


CHAIR WEYMOUTH: Very good. This meeting's adjourned, thank you.

INDEXFOR THE GOOD OF THE CITY

None.

[Meeting concluded at 4:20 pm.]

BOARD CLERK


MICHAEL WEYMOUTH, CHAIR

[Minutes prepared by: J. Opperlee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held February 20, 2014, at 3:00 p.m., City Hall, 100 North Andrews Avenue, 1st Floor Commission Chambers, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 20 day of MARCH, 2014.

D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services



PROTOTYPE, INC.

Jamie Opperlee
JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 20th day of MARCH, 2014.



D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
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D.J. Grossfeld
NOTARY PUBLIC
State of Florida